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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/779,619

02/18/2004

Yasuki Shimoyama

01-582

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02/06/2006

POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

EXAMINER

BLOUNT, ERIC

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/779,619

Applicant(s)

SHIMOYAMA, YASUKI

Examiner

Eric M. Blount

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-7 are currently pending in the present application. Claims 6 and 7 are new.

#### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tano [U.S. Patent No. 6,067,488] in view of Klausner et al [U.S. Patent No. 6,748,305].

As for **claims 1, 6, and 7**, Tano discloses a sensor device for a vehicle having a communication network, the sensor device comprises motion detecting means for detecting motions of a vehicle (10, 11) and storage means capable of updating stored content and holding the stored content in case a power supply is interrupted (column 4, lines 23-35). The device also comprises updating means for updating the content stored in the storage means in a manner that results detected by the motion detecting means are stored in the storage means for a holding period (column 4, lines 33-35 and column 5, lines 10-13). Tano discloses that the sensor device comprises collision detecting means for detecting a collision of the vehicle from acceleration

exerted on the vehicle (122), and a storage holding means which, when the collision is detected by the collision detecting means, discontinues operation of the updating means and holds the content stored in the storage means (column 5, lines 48-54). There are transmission means for transmitting the results detected by the motion detecting means and stored in the storage means (column 5, lines 16-20). Tano shows that the updating means, collision detecting means, and the storage holding means are provided at a same location (Figure 1B). Tano does not specifically teach that a plurality of electronic control units are connected through a communication network to the sensor device.

In an analogous art, Klausner discloses a device and method for analyzing and storing data in a vehicle. The device includes a communication network and a plurality of electronic control units for vehicle controls (Figure 1). Sensors may be provided for obtaining vehicle relevant data and this data may be transferred over the communication network to other components on the network (column 4 – column 5, line 36). If combined with Klausner, the storage means, updating means, collision detection means, and storage-holding means taught by Tano would obviously be at a same location different from the plurality of electronic control units. Tano shows a self-contained sensor device. When the sensor device is connected to the communication network it could obviously be located at any place in the vehicle such as under a seat as shown in Figure 1 (Tano). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to combine the teachings of Tano and Klausner because a combination would result in a more reliable vehicle driving recorder and evaluation device. One of ordinary skill in the art at the time of the invention by the applicant would have recognized that passing information from the motion detection and storage means to a plurality

of electronic control units would allow each of the plurality of electronic control units to respond appropriately in an effort to prevent, minimize, and/or record an accident or impending accident. Tano discloses in the description of prior art that many vehicles have been equipped with safety devices which are automatically operated upon detection of an abnormality. Motion detecting data would obviously be important information that may be used to automatically control vehicle devices. Tano discloses a device, which stores information for a 3-month period, while Klausner discloses a system for storing information over the service life of a vehicle. One of ordinary skill in the art would recognize that the amount of stored information is based solely on the amount and size of the memory provided in the system. The amount of size of memory can be viewed as a matter of design.

As for **claim 2**, the storage holding means discontinues the operation of the updating means after a passage of a standby period set to be shorter than the holding period (Tano, column 5, lines 10-41).

Regarding **claim 3**, the motion detecting means includes at least one of a longitudinal G sensor for detecting acceleration exerted in a direction in which the vehicle is traveling, a lateral G sensor for detecting acceleration exerted in a direction of width of the vehicle and a yaw rate sensor for detecting acceleration about the turning axis of the vehicle (Tano, column 4, lines 23-55).

As for **claim 4**, Tano discloses a receiving means for receiving data representing the operating state of the vehicle. The updating means updates the content stored in the storage means in a manner that the results detected by the motion detecting means are stored in the storage means (column 4, line 65 – column 5, line 1). Tano does not specifically disclose that

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operation data is received and stored in the storage means. Klausner discloses that operation data may be obtained and stored in a storage means (column 6, lines 24-60 and column 7, lines 53-56). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the invention of Tano to include the transmission of information over the vehicle communication network for storage because this information transferred over the network could be used for further analysis of vehicle information.

Regarding **claim 5**, Klausner discloses that operation data may include the operation state of a brake system (column 7, lines 53-63).

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All cited references teach sensor devices, recording devices, and/or vehicle communication networks that were known in the art at the time of the invention by the applicant.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

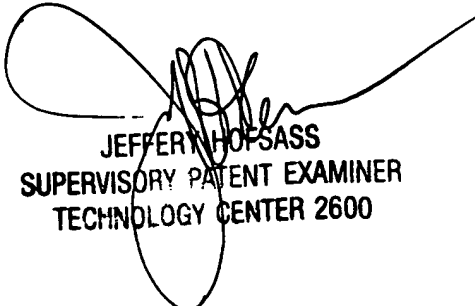
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on Monday-Thursday from 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount  
Examiner  
Art Unit 2636

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JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
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